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THOMAS G BRUTON  
CLERK, U S DISTRICT COURT

**MICHAEL A. LEON**  
**444 W. Orange Grove Road, #1136**  
**Tucson, Arizona 85704**  
**(520) 256-8457**  
**Email: [MichaelLLLeon@yahoo.com](mailto:MichaelLLLeon@yahoo.com)**  
**Plaintiff Pro Se**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA, ex rel.  
MICHAEL A. LEON;

Plaintiff,

vs.

MEGGITT PLC, a corporation; Pacific  
Scientific Energetic Materials  
Company/Pacific Scientific, subsidiary of  
MEGGITT PLC, a corporation; BOEING, a  
corporation, FIONA GRIEG,  
SECURAPLANE TECHNOLOGIES, INC., a  
corporation, JOHN DOE 1-50; MARY ROE  
1-50; XYZ CORP 1-50; ABC LLC 1-50; The  
names of the "John Doe 1-50" "Mary Roe 1-  
50", "XYZ Corp, 1-50", and "ABC LLC, 1-  
50", defendants being fictitious, and unknown  
to the Plaintiff,

Defendants.

1:13-cv-01679

Judge James F. Holderman

Case 1 Magistrate Judge Daniel G. Martin

**COMPLAINT**

**INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS, NEGLIGENT  
INFLICTION OF EMOTIONAL  
DISTRESS, LIBEL  
SLANDER (DEFAMATION) INVASION  
OF PRIVACY FALSE LIGHT  
FALSE CLAIMS ACT 31 U.S.C. §§ 3729-  
3733**

**Causes of Action:**

- 1. Knowingly False Statements to Get a  
False or Fraudulent Claim Paid or  
Approved, in Violation of the False Claims  
Act, 31 U.S.C. § 3729(a)(1).**
- 2. Knowingly False Records or Statements  
to Get a False or Fraudulent Claim Paid or  
Approved, in Violation of the False Claims  
Act, 31 U.S.C. § 3729(a)(2).**

**JURY TRIAL DEMANDED**

Plaintiff Michael A. Leon ("Plaintiff") brings this Complaint for defamation, emotional distress, invasion of privacy/false light against MEGGITT PLC, a corporation; Pacific Scientific Energetic Materials Company/Pacific Scientific, subsidiary of MEGGITT PLC, a corporation; BOEING, a corporation; SECURAPLANE TECHNOLOGIES, INC. FIONA GRIEG, JOHN DOES 1-50; MARY ROES 1-50; XYZ CORPORATIONS 1-100; The names of the "John Doe 1-50" "Mary Roe 1-50", "XYZ Corp, 1-50", and "ABC LLC, 1-50", defendants being fictitious, and unknown to the Plaintiff ("Defendants") and states the following:

**FILED**  
**10/29/2013**  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

## **JURISDICTION AND VENUE**

1. (a) This is an action brought pursuant to the False Claims Act, 31 U.S.C. §§ 3729, et seq., and subject matter jurisdiction is invoked pursuant to 28 U.S.C. § 1331. (b) This case arises from the wrongful conduct of the Defendants incident to obtaining funds from the United States of Department of Defense contracts Defense Contracts Government.

2. This Court has in personam jurisdiction over the Defendants under 31 U.S.C. § 3732(a), which authorizes nationwide service of process.

3. (a) 31 U.S.C. § 3732(a) provides "Any action under section 3730 may be brought in any judicial district in which the Defendant or, in the case of multiple Defendants, any one Defendant, can be found, resides, transacts business, or in which any proscribed by section 3729 occurred." (b) Venue is proper in this District of California because Defendants operate within this District.

4. This Court enjoys venue under 28 U.S.C. § 1391(a)(2) because all or a substantial portion of the events that gave rise to Plaintiff's claims transpired nationally and internationally, including the publication or republication of the defamatory falsehoods and the damage to Plaintiff's reputation.

## **THE PARTIES – DEFENDANTS - DIVERSITY JURISDICTION**

5. Plaintiff, Michael A. Leon is a disabled pro se litigant receiving social security benefits. Mr. Leon is a former employee of Securaplane Technologies. Mr. Leon resident of Pima County, State of Arizona.

6. Defendant, MEGGITT PLC is a parent company of Pacific Scientific, Securaplane Technologies, Inc. **US headquartered in Washington, DC.**

7. Defendant, PACIFIC SCIENTIFIC is a parent company of Securaplane Technologies, Inc. **is located in Duarte, California.**

8. Defendant BOEING is headquartered in Chicago, IL.

9. Defendant Securaplane Technologies Inc. is located in Tucson, Arizona.

10. Defendant Fiona Grieg resides in the District of Columbia.

11. The names of the "John Doe 1-50" "Mary Roe 1-50", "XYZ Corp, 1-50", and "ABC LLC, 1-50", defendants being fictitious, and unknown to the Plaintiff

## **STATEMENT OF FACTS**

12. (a) This is an action to recover damages and civil penalties on behalf of the United States of America arising out of false claims approved and presented by Defendants to obtain over one-half billion dollars annually from the United States Department of Defense. Under the defense contractor whistleblower law, an employee of a defense contractor is protected for making disclosures to one of several entities of misconduct by his or her employer. To be protected by the act, the employee must reasonably believe that she has information that evidences: (1) "gross mismanagement of a Department of Defense contractor grant;" (2) "a gross waste of Department of Defense funds;" (3) "a substantial and specific danger to public health or safety;" or (4) "a violation of law related to a Department of Defense contract (including the competition for or negotiation of a contract) or grant." 10 U.S.C.A. § 2409(a) (2008). Protection of reprisal is available to employees who disclose such information to "a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, a Department of Defense employee responsible for contract oversight or management, or an authorized official of an agency or the Department of Justice." Id. (d) Defendants had, and



1 continue to have, actual knowledge that they are not adhering to the HEA ban, that their  
2 representations of adherence were and are false, and that they therefore were and are submitting  
3 false or fraudulent representations of compliance. (e) Alternatively, Defendants act and acted  
4 with deliberate indifference and/or reckless disregard as to the truth or  
5 falsity of the claims. (f) Relators assert causes of action under the False Claims Act for  
6 submission of a knowingly false or fraudulent claims for payment or approval, and knowingly  
7 false records or statements to get a false or fraudulent claim paid or approved, in violation of 31  
8 U.S.C. § 3729(a)(1) and (2). Securaplane Technologies Boeing Pacific Scientific Meggitt PLC  
9 continually misrepresenting and have been since 2006/2007/2007 to FAA, OSHA, NTSB, FAA  
10 and FBI.

11 On January February 2013 next gov Fiona Greigg stated Plaintiff was a convicted felon  
12 perpetuating negativity in an attempt to further discredit Plaintiff concerning safety concerns.  
13 Psalm 35:11-13 *Ruthless witnesses come forward; they question me on things I know nothing*  
14 *about. They repay me evil for good and leave my soul forlorn. Yet when they were ill, I put on*  
15 *sackcloth and humbled myself with fasting.* Boeing stated that I was fired for internet email  
16 violation when the decision of Judge Dorsey states otherwise. The Decision did not state I was a  
17 convicted felon and I am not. [http://cdn.nextgov.com/media/gbc/docs/pdfs\\_edit/012213bb1a.pdf](http://cdn.nextgov.com/media/gbc/docs/pdfs_edit/012213bb1a.pdf)

18 13. As a proximate result of the above-described publication, plaintiff has suffered loss of his  
19 reputation, shame, mortification, and injury to his feelings inflicting emotional distress, in an  
20 amount to be established by proof at trial.

21 14. The above-described publication was not privileged because it was published by defendants  
22 with evil intent, *mens rea*, state of mind and facts supporting the allegation, for example:  
23 malice, hatred and ill will toward plaintiff and the desire to injure him and prejudice him at trial,  
24 in that defendants had expressed a desire to "get" plaintiff. Because of defendants' malice in  
25 publishing, plaintiff seeks punitive damages in a total amount to be established by proof at trial].  
26 A reasonable person would be highly offended referred to as lookout, scary unjustifiably.  
27 *No weapon that is formed against thee shall prosper; and every tongue that shall rise against*  
28 *thee in judgment thou shalt condemn. This is the heritage of the servants of the LORD, and their*  
*righteousness is of me, saith the LORD.*

### 29 **COUNT ONE INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

30 15. Plaintiff hereby incorporates the allegations contained in paragraphs 1 - 15 as though fully  
31 set forth herein.

32 16. Defendants, through the above-described scurrilous and outrageous conduct and false  
33 statements, intentionally and/or recklessly, inflicted emotional distress upon Plaintiff.  
34 Plaintiff is entitled to recover damages for the emotional distress caused by Defendants in  
35 an amount to be proven at trial.

### 36 **COUNT TWO NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

37 17. Plaintiff hereby incorporates the allegations contained in paragraphs 1 - 16 as though  
38 fully set forth herein.

39 18. Defendants, through the above-described scurrilous and outrageous conduct and false  
40 statements, intentionally and/or recklessly, inflicted emotional distress upon Plaintiff.



1 Plaintiff is entitled to recover damages for the emotional distress caused by  
2 Defendants in an amount to be proven at trial.

3 19. Defendants published and stated false statements, disclosed private information about  
4 Plaintiff to third parties certain or substantially certain that such emotional distress  
5 would result from this conduct. Mobbing is defined as psychological aggression that  
6 often

7 20. Plaintiff is entitled to recover damages for the emotional distress caused by  
8 Defendants in an amount to be proven at trial.

### 9 **COUNT THREE LIBEL (DEFAMATION)**

10 21. Plaintiff hereby incorporates the allegations contained in paragraphs 1 - 20 as though  
11 fully set forth herein.

12 22. Defendants published to third parties, including without limitation, third parties in the  
13 state of Arizona, defamatory statements regarding Plaintiff, including but not limited  
14 to those described above, in the manner and to the extent alleged herein. Each and all  
15 of the above-described statements, and others, made by Defendants are false and  
16 untrue.

17 23. By publishing the above-described false and defamatory statement, Defendants  
18 intended to convey that Plaintiff was incompetent and a felon.

19 24. Because of the oppressive, willful and malicious publications by Defendants, Plaintiff  
20 reserves the right to amend this Complaint to seek to recover exemplary damages.

21 25. Plaintiff establishes the essential element of "Publicity" to the contrary of Defendants  
22 statement). Corporate "Defendants, under the Respondeat Superior doctrine is  
23 responsible for the actions of employees performed within the course of their  
24 employment.

### 25 **COUNT FOUR SLANDER (DEFAMATION)**

26 26. Plaintiff hereby incorporates the allegations contained in paragraphs 1 - 25 as though  
27 fully set forth herein.

28 27. Fiona Grieg, Boeing stated that Plaintiff was fired for internet usage email and  
convicted felon. Defendants stated to the public media government that Plaintiff  
set up faulty test setups. Plaintiff's entire career has been in electronics aerospace  
working at Hughes Missile Systems Raytheon for 14 years, Allied Signal  
Columbia University Bio Sphere Allied Signal and has never had competence  
issues. 82<sup>nd</sup> Airborne communications paratrooper. "There was a fire in the  
facility in 2006/2007/2007 during one test of a prototype of the battery-charging  
unit. However, the current Boeing 787 investigation is unrelated to the  
2006/2007/2007 fire," said Fiona Greig, spokeswoman for Securaplane. "There is  
no connection between the Dreamliner battery issue and the dismissal of Michael  
Leon from Meggitt's US-based subsidiary, Securaplane." The fire at Securaplane  
in 2006/2007/2007 was well documented at the time. Boeing said it was the result  
of a test set up improperly, and it was not a case where a lithium-ion battery  
simply exploded for no reason. Exhibit A.

- 1 28. By verbalizing the above-described false and defamatory statement to the public,  
2 media, government agencies, Defendants intended to convey that Plaintiff was  
3 incompetent, a danger perpetuating negativity.  
4 29. Because of the oppressive, willful and malicious statement by Defendants,  
5 Plaintiff reserves the right to amend this Complaint to seek to recover exemplary  
6 damages.

7 **COUNT FIVE INVASION OF PRIVACY FALSE LIGHT**

- 8 30. Plaintiff hereby incorporates the allegations contained in paragraphs 1 - 29 as though  
9 fully set forth herein.  
10 32. Defendants, through the above-described scurrilous conduct, false statements, placing  
11 Plaintiff in a false light and violating privacy.  
12 33. The false light in which Plaintiff has been placed would be highly offensive to a  
13 reasonable person.  
14 34. Plaintiff is entitled to recover damages for the emotional distress caused by Defendants in  
15 an amount to be proven at trial.

16 **COUNT SIX Knowingly False Statements to Get a False or Fraudulent Claim Paid or  
17 Approved, in Violation of the False Claims Act, 31 U.S.C. § 3729(a)(1)**

18 **Statute of Limitations**

19 Pursuant to section 3731(b) of the False Claims Act, an action must be filed within 6 years of  
20 the alleged violation or 3 years after the fraudulent action if the United States official charged  
21 with investigating fraud knew of, or should have known of, the alleged violation. Although the  
22 statute of limitations has been extended where extenuating circumstances necessitate a longer  
23 period, A case may never be filed more than 10 years after the violation.

24 35. Plaintiffs re-allege, and fully incorporate herein by reference, paragraphs 1 through 34  
25 In performing all of the acts set out herein, Defendants defrauded the United States of  
26 America by knowingly presenting, or causing to be presented, to one or more officers,  
27 employees or agents of the United States of America, a false and fraudulent claim for payment or  
28 approval, in contravention of the False Claims Act (31 U.S.C. § 3729(a)(3)), to the damage of  
the treasury of the United States of America, by causing the United States to pay out money it  
was not obligated to pay.

36. (a) Relators estimate that, as a proximate result of Defendants' conduct described  
herein, the amount of damages sustained by the United States of America is in excess of a half  
billion dollars per annum, from 2006/2007/2007/2007, through the present.

**COUNT SEVEN Knowingly False Records or Statements to Get a False or Fraudulent  
Claim Paid or Approved, in Violation of the False Claims Act, 31 U.S.C. § 3729(a)(2)**

37. Plaintiffs re-allege, and fully incorporate herein by reference, paragraphs 1 through  
36 herein.

38. By virtue of the acts described above, Defendants have knowingly made, used or  
caused to be made or used, a false record or statement to get a false or fraudulent claim paid or  
approved by the United States of America, in contravention of the False Claims Act (31 U.S.C. §



3729(a)(2)), to the damage of the treasury of the United States of America, by causing it to pay out money it was not obligated to pay.

39. Relators estimate that, as a proximate result of Defendants' conduct described herein, the amount of damages sustained by the United States of America is in excess of a half billion dollars per annum, from 2006/2007/2007/2007, through the present.

### **Prayer for Relief**

WHEREFORE, Plaintiff request the following relief:

1. Judgment in favor of the United States of America against Defendants, jointly and severally, by reason of the violations of the False Claims Act as set forth above, in an amount equal to three times the amount of damages the United States has sustained because of Defendants' actions, plus a civil penalty of not less than Five Thousand Dollars (\$5,000.00), and not more than Ten Thousand Dollars (\$10,000.00), for each violation, plus three times the amount of damages which the United States Government has sustained, pursuant to 31 U.S.C. § 3729(a);
2. Award to Relators, as the Qui Tam plaintiffs, of the maximum amount allowed pursuant to 31 U.S.C. § 3730(d) of the Federal False Claims Act on the United States' recovery;
3. Award to Relators of all reasonable expenses which the Court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs;
4. Punitive damages on all causes of action, to the extent allowable by law; and
5. Such other and further relief as the Court deems proper.

Demand for Jury Trial

Plaintiff demands a trial by jury, pursuant to FRCP 38.

### **JURY DEMAND**

Plaintiff demands a trial by jury and all issues so triable.

**DATED** this 21st day of February, 2013.



**MICHAEL A. LEON**

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**Plaintiff Pro Se**



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EXHIBIT A

## AIRLINES

## Whistleblower Says Dreamliner Batteries Could 'Explode'

Text Size

Published: Thursday, 24 Jan 2013 | 7:31 PM ET

By: Philip LeBeau

CNBC Auto and Airline Industry Reporter

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Michael Leon is adamant about his fear about the use of lithium-ion batteries on the **Boeing 787 Dreamliner**.

"These lithium-ion batteries are heat intolerant. Too much heat on those things, they will go into a thermal runaway, they will explode, it will be a nightmare," he said.

— Article Continues Below —



Play Video

Leon is a former employee of Securaplane Technologies in Tucson, Arizona. He was fired in 2007 for repeated misconduct. He says it was in retaliation for voicing concerns about the batteries but when he took Securaplane to court, he lost. A federal administrative court judge ruled in favor of Securaplane.

Today, Securaplane manufactures the charging system for lithium-ion batteries used on 787 Dreamliners. Its plant in Tucson is one of the locations visited by investigators from the National Transportation Safety Board as they try to determine

## FEATURED



### United Scratches Dreamliner Off Schedule

United Airlines is keeping the grounded Boeing 787 Dreamliner off its schedule at least through mid-May.



### Qantas Wins Dreamliner Compensation, Profit Rises

Australia's flagship carrier Qantas Airways said it has received compensation from Boeing for delays in deliveries of the grounded 787 Dreamliner jet, as it reported a 10.4 percent increase in first-half profit.



### Airline Mergers Stabilize the Industry: Spirit CEO

Mergers are a continuation of a longer trend and will help bring stabilization to the airline industry, the CEO of Spirit Airlines.



### Spirit Airlines CEO on Big Earnings Beat

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[Air Berlin swings to 2012 net profit](#)  
[Midday Glance: Airlines companies](#)



"There is a lot more work to be done before we can determine a cause," said Debbie Hersman, Chairman of the NTSB.

(Read More: [Still No Timetable for Returning Boeing 787 to Flight](#))

### This Battery 'Just Decided to Explode'

Michael Leon was a senior engineering technician at Securaplane in 2006 conducting tests for the charging units that work with the lithium-ion batteries in the Dreamliner. Leon said what happened one day is a scene he will never forget.

"My BCU wasn't running and this lithium-ion battery just decided to explode," said Leon. "The magnitude of energy that came out of this battery, I cannot quantify it. I ran out of there and armed myself with 30 pounds of Halon and I ran back into the inferno. By then all the walls were on fire."

The fire at Securaplane in 2006 was well documented at the time. Boeing said it was the result of a test set up improperly, and it was not a case where a lithium-ion battery simply exploded for no reason.

Securaplane said its charging unit has been successfully tested in the Dreamliner. It disputes Leon's allegations.

"There was a fire in the facility in 2006 during one test of a prototype of the battery-charging unit. However, the current Boeing 787 investigation is unrelated to the 2006 fire," said Fiona Greig, spokeswoman for Securaplane. "There is no connection between the Dreamliner battery issue and the dismissal of Michael Leon from Meggitt's US-based subsidiary, Securaplane."



The damaged battery case from a fire aboard a Japan Airlines (JAL) Boeing 787 Dreamliner airplane at Logan International Airport in Boston is displayed inside an investigation lab at National Transportation Safety Board (NTSB) Headquarters in Washington, DC.

Ever since the FAA grounded Boeing's Dreamliner, there have been renewed questions about the safety of using lithium-ion batteries to provide power on the 787. The primary concern is the potential flammability of the batteries.

(Read More: [Japan to Investigate Boeing 787 Battery Maker](#))

Leon fears the worst for the Dreamliner if questions surrounding the 787's lithium-ion batteries are not resolved. "What concerns me is if this happens on the aircraft and they

are flying over the ocean or something, everybody is going to die," he said.

### Still Searching for a Cause

Meanwhile, in Washington, D.C., Hersman said the NTSB is still trying to determine the exact cause for two Dreamliner batteries catching on fire. One incident happened after a Japan Airlines 787 landed in Boston Jan. 7. The other happened during an All Nippon Airways flight in Japan on Jan. 16. In both cases, nobody was hurt.

"We know that the lithium-ion battery experienced a thermal runaway, we know that there were short circuits and we know there was a fire," Hersman said. What the NTSB does not know at this point is what exactly prompted the battery malfunctions.

what went wrong  
Early Glance: Airlines companies  
BRIEF-Alaska Air says revenue passengers for January up 9.2 pct  
AirAsia to invest up to \$60 mln into Indian airline venture  
Japan Hot Stocks-Citizen, Showa Shell, Japan Airlines, Fujibo, GS Yuasa  
Japan Hot Stocks-Showa Shell, Japan Airlines, Fujibo, GS Yuasa, M3, Komatsu, HCM  
Japan Hot Stocks-Japan Airlines, Fujibo, GS Yuasa, M3, Komatsu, HCM  
Final Glance: Airlines companies

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**EXHIBIT A**



TRENDING BROKEN WARRIORS WE THE PEOPLE UAVS BYOD ROGER BAKER NEXTGEN IN THE CLOUD?



Code for Economic Success



Navy Ups NMCI Deal by \$1.2 Billion



Tech Warrior Medal Under Fire



Cyber's Golden Triangle

## A 2006 BATTERY FIRE DESTROYED BOEING 787 SUPPLIER'S FACILITY



Elaine Thompson/AP

By **Bob Brewin**  
January 22, 2013  
5 Comments

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1 Comment

**FAA grounds all 787 Dreamliners operated by U.S. carriers**

1 Comment

An explosion in a lithium battery under development for use in the Boeing 787 Dreamliner resulted in a fire that destroyed the Tucson, Ariz., facility of manufacturer Securaplane in 2006.

Following that incident, an employee filed a whistleblower lawsuit with the Labor Department alleging the company had produced an unsafe battery. Labor dismissed the suit on procedural grounds.

Internal documents from the Pipeline and Hazardous

[Comments](#)

Materials Administration show that Securaplane tested a battery from one manufacturer for use in the 787 but substituted another for use in production systems based on assertions that the new batteries were identical to those tested.

Securaplane manufactures the lithium ion auxiliary power unit and a battery charger unit for the 787. The Federal Aviation Administration grounded Boeing's entire fleet of 787s after battery fires earlier this month.

Securaplane, a unit of global engineering firm Meggit PLC, based in the United Kingdom, manufactures the systems for Boeing under a subcontract with Thales, headquartered in a Paris suburb. Thales has a contract for the 787's electrical power conversion system, with GS Yuasa of Kyoto supplying the batteries.

Michael Leon, a Securaplane engineering technician, was working on the 787 battery charger unit when it exploded in 2006. He complained in January 2007 that the units did not conform to design schematics, according to a final decision and order Labor issued July 15, 2011.

According to that 56-page document, Securaplane won a contract for the 787 battery charger unit in 2004. In November 2006, while Leon was running tests, the battery exploded, resulting in "a devastating fire that destroyed [Securaplane's] labs and production building."

Despite his concerns, Leon said he was "pressured [by Securaplane] to sign off on Acceptance Test Procedures (ATPs) for noncompliant units and ship them to customers. He says he gave in to pressure to run the ATPs, knowing they would be re-run after he fixed the units, but balked at actually shipping noncompliant units," according to the document.

On March 1, 2007, Leon left work without shipping what he thought were noncompliant battery charger units.

[www.nextgov.com/emerging-tech/2013/01/2006-battery-fire-destroyed-boeing-787-suppliers-facility/60809/](http://www.nextgov.com/emerging-tech/2013/01/2006-battery-fire-destroyed-boeing-787-suppliers-facility/60809/)



When he returned to work in March 2009, he received a verbal warning disciplinary action. Leon says he continued to raise the nonconformance issues and the discrepancy, but no one fixed it. Eventually he filed an FAA complaint.

Meanwhile, Leon charged, he was subject to disciplinary action, was later suspended, and eventually fired. "Leon believes the timing of his termination proves Securaplane was motivated by retaliatory animus toward Leon's protected safety activities," the Labor Department decision said.

Securaplane, along with Thales and GS Yuasa, conducted a two-year investigation and narrowed the cause of the fire to one of three possibilities: a defect in one corner of a battery cell; prior damage to the battery; and Leon's failure to connect a harness that transmits signals between the battery and the charger unit during the test.

Boeing spokesman Marc Birtel said the 2006 fire resulted from "an improper test set up, not the design of the battery." FAA spokeswoman Laura Brown said the agency "investigated Mr. Leon's complaints in 2008 and 2009. The investigation determined that the battery charging units in the complaints were prototypes, and none are installed in Boeing 787 aircraft. Our reviews also determined Securaplane's production of a particular printed circuit board complied with FAA requirements."

Leon said Securaplane dismissed him while he was engaged in "protected activity relating to air safety concerns that he brought to the attention of both Securaplane management and the FAA." The company said that Leon, among other things, was a convicted felon who lied to fire investigators, falsified his employment history and violated company email and Internet policies.

Labor Department Administrative Law Judge William Dorsey ruled that Securaplane had legitimate reasons to fire Leon, including "his continued pattern of engaging in antagonistic, demeaning, rude, and intimidating conduct."

On Jan. 31, 2011, sometime after it had started using batteries supplied by GS Yuasa in its battery charger unit (based on the Labor Department ruling), Securaplane told the Pipeline and Hazardous Materials Safety Administration that a battery pack for use in the 787 manufactured by Kokam of Korea had "passed all required FAA and Boeing environmental test requirements" in tests conducted by Mobile Power Solutions of Beaverton, Ore.

In an email to the Pipeline and Hazardous Materials Safety Administration, Rod Iverson, a Securaplane program manager, said Rose Electronics of San Jose, Calif., manufactured the battery for those tests using Kokam battery cells.

He said the Rose Electronics battery used in the tests conducted by Mobile Power is "identical to the product to be manufactured by Securaplane," for use in the 787. In a March 15, 2011, letter to Iverson, Ben Supko, acting chief of the standards development branch in the standards and rulemaking division of the Pipeline and Hazardous Materials Safety Administration, said, "Provided the lithium ion batteries you intend to manufacture are identical to a previously detected design type, additional testing is not required."

Daniel Doughty, president of Battery Safety Consulting Inc., in Albuquerque, N.M., told Nextgov that "there is no way" one lithium ion battery can be described as identical to another. Doughty, who managed the Advanced Power Sources Research and Development Department at Sandia National Laboratories for 14 years, said it is "a bad assumption" to accept such batteries are identical due to different cell chemistries and cathodes used.

Boeing's Birtel said the batteries referenced in the correspondence between Securaplane and the Pipeline and Hazardous Materials Safety Administration are not "the specific battery type currently under NTSB investigation or subject of the FAA emergency airworthiness directive."

## EXHIBIT A

### PROMOTIONS



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**Strategies for Approaching Big Data** // 5 Ways to Avoid Common Mistakes



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